

PROCEEDINGS OF THE COMMON COUNCIL  
IN REGULAR SESSION  
TUESDAY, FEBRUARY 13 1996

CITY OF FORT WAYNE, INDIANA  
JOURNAL OF THE PROCEEDINGS  
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE  
COUNCIL CHAMBERS Tuesday EVENING February 13, 1996  
IN REGULAR SESSION. PRESIDENT DONALD J. SCHMIDT  
IN THE CHAIR, COUNCIL ATTORNEY \_\_\_\_\_ AND  
SANDRA E. KENNEDY, CITY CLERK, AT THE DESK, PRESENT THE FOLLOWING  
MEMBERS \_\_\_\_\_ VIZ:

\_\_\_\_\_  
\_\_\_\_\_  
BENDER P, CRAWFORD P, EDMONDS P,  
HALL P, HAYHURST P, HENRY P,  
LUNSEY P, RAVINE P, SCHMIDT P,  
\_\_\_\_\_  
\_\_\_\_\_

ABSENT: \_\_\_\_\_

COUNCIL MEMBER

\_\_\_\_\_/\_\_\_\_\_/

\_\_\_\_\_/\_\_\_\_\_/

THE MINUTES OF THE LAST REGULAR JANUARY 23 1996  
\_\_\_\_\_  
SPECIAL \_\_\_\_\_ 1996  
SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION,  
APPROVED AND PUBLISHED.

THE COUNCIL THEN ADJOURNED

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana, and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings the Common Council of the City of Fort Wayne, Indiana, for its Regular Session, held on 13th day of February, 19 96, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 16th day of February, 19 96.

Sandra E. Kennedy  
City Clerk

ROLL CALL

COMMITTEE SESSION

FEBRUARY 6, 1996

CITY OF FORT WAYNE, INDIANA

The Common Council of the City of Fort Wayne met in the Common Council  
Conference Room 128 Tuesday evening February 6 1996  
in Committee Session. President Donald J. Schmidt, in the chair,  
Council Attorney \_\_\_\_\_  
and Sandra E. Kennedy City Clerk, at the desk, present the following members  
\_\_\_\_\_ viz:

\*\*\*\*\*

BENDER P, CRAWFORD P, EDMONDS P,  
HALL P, HAYHURST P, HENRY P,  
LUNSEY P, RAVINE P, SCHMIDT P,

\*\*\*\*\*

ABSENT: None

**COUNCIL MEMBER**

\_\_\_\_\_, \_\_\_\_\_,  
\_\_\_\_\_, \_\_\_\_\_,

\*\*\*\*\*



ROLL CALL

COMMITTEE SESSION

FEBRUARY 13, 1996

CITY OF FORT WAYNE, INDIANA

The Common Council of the City of Fort Wayne met in the Common Council Conference Room 128 Tuesday evening February 13 199, 6 in Committee Session. President Donald J. Schmidt, in the chair, Council Attorney \_\_\_\_\_ and Sandra E. Kennedy City Clerk, at the desk, present the following members \_\_\_\_\_ viz:

\*\*\*\*\*

BENDER P, CRAWFORD P, EDMONDS P,  
HALL P, HAYHURST P, HENRY P-late,  
LUNSEY P, RAVINE P, SCHMIDT P.

\*\*\*\*\*

ABSENT: \_\_\_\_\_

**COUNCIL MEMBER**

\_\_\_\_\_, \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_

\*\*\*\*\*



# The City of Fort Wayne

Paul Helmke, Mayor

January 31, 1996

## COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the  
City of Fort Wayne  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of a dedicated utility easement.

The proposed ordinance is designated as:

Bill No. G-95-11-19 (AS AMENDED)

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this  
31st day of January 1996.

Carol Kettler Sharp  
Secretary

/pb

xc: File

# FACT SHEET

G-95-11-19

BILL NUMBER

## Division of Community Development & Planning

BRIEF TITLE

APPROVAL DEADLINE

REASON

Utility Easement Vacation

### DETAILS

### POSITIONS

### RECOMMENDATIONS

<p><b>Specific Location and/or Address</b> The 6' utility easement on the W line of Lot #10 &amp; the east line of Lot #11 in Eastland Gardens, Sec A.</p>	<p><b>Sponsor</b></p>
<p><b>Reason for Project</b></p> <p>Proposed residential room addition.</p>	<p><b>Area Affected</b></p> <p>City Plan Commission</p> <p>City Wide</p> <p>Other Areas</p>
<p><b>Discussion (Including relationship to other Council actions)</b></p> <p><u>20 November 1995 - Public Hearing</u></p> <p>Brad Alevogt, appeared before the Commission for the petitioner. Mr. Alevogt stated that they are requesting the vacation of a utility easement that runs north-south along the lot line. He stated that they propose an addition to the home, which would extend across the utility easement. He stated that all of the utility companies have indicated that they have no future use for the easement.</p> <p>There was no one present who wished to speak in favor of or in opposition to the proposed vacation.</p> <p><u>27 November 1995 - Business Meeting</u></p> <p>Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation, contingent upon the petitioner granting replacement easements or relocations as needed and perfecting the petition to exclude the north seven (7) feet of the easement in order to maintain the e/w easement.</p>	<p><b>Applicants/Proponents</b></p> <p>Applicant(s)</p> <p>Park Center Inc</p> <p>City Department</p> <p>Other</p>
<p><b>Opponents</b></p> <p>Groups or Individuals</p> <p>Basis of Opposition</p>	<p><b>Staff Recommendation</b></p> <p><input checked="" type="checkbox"/> For      <input type="checkbox"/> Against</p> <p>Reason Against</p>
<p><b>Board or Commission Recommendation</b></p>	<p><b>By</b></p> <p><input checked="" type="checkbox"/> For      <input type="checkbox"/> Against</p> <p><input type="checkbox"/> No Action Taken</p> <p><input type="checkbox"/> For with revisions to conditions (See Details column for conditions)</p>
<p><b>CITY COUNCIL ACTIONS</b> (For Council use only)</p>	<p><input type="checkbox"/> Pass      <input type="checkbox"/> Other</p> <p><input type="checkbox"/> Pass (as amended)      <input type="checkbox"/> Hold</p> <p><input type="checkbox"/> Council Sub.      <input type="checkbox"/> Do not pass</p>



Of the eight (8) members present, seven (7) voted in favor of the motion, the Chair did not vote.

Motion carried.

Members Present: Linda Buskirk, Ernest Evans, James Hoch, Thomas Quirk, Dave Ross, Donald Schmidt, Mel Smith, Vicky VerPlanck

Member Absent: Carol Kettler Sharp

Member Absent: Carol Kettler Sharp

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Reference or Case Number

**Park Center Inc. requests the vacation of a portion of an utility easement.**

Location: 2827 Tillman Road

Legal: The 6 foot utility easement on the west line of lot number 10 and the east line of lot number 11 in Eastland Gardens Section A.

Land Area: Approximately 0.02 acres

Zoning: RA

Surroundings:

North	RA	Residential
South	R-1	Residential
East	RA	Residential
West	RA	Residential

Reason for Request: A proposed residential room addition.

Neighborhood Assoc.: Eastland Gardens Community Association

Comprehensive Plan: No comment.

Neighborhood Plan: No comment.

**Planning Staff Discussion:**

The petitioners request the vacation of a utility easement that runs north-south along the lot line. They propose an addition to the home, which would extend across the utility easement. They have owned both of the lots since 1994. The proposed addition would be approximately 958 square feet. The existing home is a single story frame residence with an attached garage.

There appears to be a six foot wide utility easement located between all of the lots in this subdivision. The petitioner has contacted the Water Engineering Department, Indiana Michigan Power, GTE, and NIPSCO. All of those utilities have indicated that they are not presently in the easement, have no plans to locate there in the future, and would allow an encroachment into the easement. (As part of the review procedure, the city contacts all utilities for review and comment.)

There is an easement that runs east-west along the north property line of the lots in this subdivision. The sewer is located in this 14 foot easement, and the water service is off



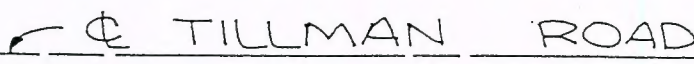
Tillman Road. We would suggest that the vacation request be perfected to eliminate that portion of the north-south easement that intersects the east-west easement. We believe that there is a legitimate need to maintain the east-west easement along the north property line for utility use. The perfection would not impact the proposed addition to the existing house.

Recommendation: Conditional Approval contingent upon the petitioner granting replacement easements or relocations as needed and perfecting the petition to exclude the north seven (7) feet of the easement in order to maintain the east west easement.

- 1) Conditions in the area have changed since the plat was originally recorded.
- 2) Vacation should not impact any other property, nor would it limit future growth in the area.
- 3) Approval will allow construction of an addition to the existing house.

**CASE NO. #602**

Lot Numbered 10 and Lot Numbered  
plat thereof in the Office of the



Map No. Q - 27  
LW 10-22-95

<b>R1</b>	One-Family	<b>B1</b>	Limited Business	<b>M1</b>	Light Industrial
<b>R2</b>	Two-Family	<b>B2</b>	Planned Shopping Center	<b>M2</b>	General Industrial
<b>R3</b>	Multi-Family	<b>B3</b>	General Business	<b>M3</b>	Heavy Industrial
<b>RA/RB</b>	Residential	<b>B4</b>	Roadside Business	<b>MHP</b>	Mobile Home Park
<b>PUD</b>	Planned Unit Dev.	<b>POD</b>	Professional Office District		

RESOLUTION 82-142-4

WHEREAS, PARK CENTER INC., has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following utility easement situated in Fort Wayne, Allen County, to-wit:

A six foot utility easement on the west line of Lot Number 10 and the east line of Lot Number 11 in Eastland Gardens, Section A, except the north seven (7) feet, as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-3-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated utility easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated easement hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated easement hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated easement or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)

) SS:

COUNTY OF ALLEN )

I, LINDA BUSKIRK, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held WED, JAN. 17, 1996 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 17 DAY OF JANUARY 1996

FORT WAYNE BOARD OF PUBLIC WORKS

Linda Buskirk  
Linda Buskirk

Chairman, Board of Public Works

C. James Owen  
C. James Owen

Member, Board of Public Works

Terrance P. McCaffrey  
Terrance P. McCaffrey

Member, Board of Public Works

96 JAN 11 AM 10:49



RESOLUTION

WHEREAS, PARK CENTER INC., has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following utility easement situated in Fort Wayne, Allen County, to-wit:

A six foot utility easement on the west line of Lot Number 10 and the east line of Lot Number 11 in Eastland Gardens, Section A, except the north seven (7) feet, as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-3-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said public hearing was held on November 20, 1995 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated easement.

WHEREAS, said vacation of dedicated easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated easement hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated easement hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated easement or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated easement in Allen County, Indiana.

STATE OF INDIANA)

) SS:


COUNTY OF ALLEN )

Carol Kettler Sharp

I, \_\_\_\_\_, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held, November 27, 1995 and as the same appears of record in the official records of said Plan Commission.

DATED THIS 31 DAY OF January 1996

FORT WAYNE CITY PLAN COMMISSION

  
\_\_\_\_\_  
Carol Kettler Sharp  
Secretary



# The City of Fort Wayne

Paul Helmke, Mayor

January 31, 1996

## COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the  
City of Fort Wayne  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of a dedicated right-of-way.

The proposed ordinance is designated as:

Bill No. G-95-07-07 (AS AMENDED)

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this  
31st day of January 1996.

Carol Kettler Sharp  
Secretary

/pb

xc: File

# FACT SHEET

G-95-07-07

## Division of Community Development & Planning

BILL NUMBER

BRIEF TITLE

APPROVAL DEADLINE

REASON

Street & Alley Vacation

### DETAILS

#### Specific Location and/or Address

Portions of Allen Avenue and of an E/W alley east of Allen Avenue.

#### Reason for Project

Potential development of an office complex.

#### Discussion (Including relationship to other Council actions)

17 July 1995 - Public Hearing

See Attached Minutes of Meeting

24 July 1995 - Business Meeting

Motion was made and seconded to act upon the petition of the two right-of-ways separately. On the request to vacate Allen Avenue it was moved and seconded to DENY the request. On the request to vacate a portion of the E/W alley it was moved and seconded to return the ordinance (as amended) to the Common Council with a DO PASS recommendation, contingent upon the petitioner providing utility easements or relocations as needed.

Of the eight (8) members present, seven voted in favor of the motion, the Chair did not vote.

Motion Carried.

### POSITIONS

### RECOMMENDATIONS

#### Sponsor

City Plan Commission

#### Area Affected

City Wide

Other Areas

#### Applicants/ Proponents

#### Applicant(s)

Bruce Wilds  
City Department

Other

#### Opponents

#### Groups or Individuals

Darwin Highlen  
Mark Hoeppe  
Basis of Opposition

-would deter traffic flow for businesses currently in operation in this area

#### Staff Recommendation

☒ For ☐ Against

Reason Against

(AS AMENDED)

#### Board or Commission Recommendation

#### By

☒ For ☐ Against  
☐ No Action Taken

☐ For with revisions to conditions  
(See Details column for conditions)  
(AS AMENDED)

#### CITY COUNCIL ACTIONS (For Council use only)

☐ Pass ☐ Other

☐ Pass (as amended) ☐ Hold

☐ Council Sub. ☐ Do not pass



## DETAILS

Members Present: Linda Buskirk, Ernest Evans,  
James Hoch, Thomas Quirk, Dave Ross,  
Carol Ketter Sharp, Mel Smith, Vicky VerPlanck

Member Absent: Donald Schmidt

### POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date 2 May 1995

Projected Completion or Occupancy      Date    31 January 1996

Fact Sheet Prepared by \_\_\_\_\_ Date 31 January 1996

Patricia Biancaniello

Reviewed by \_\_\_\_\_ Date 1 February 1990

Reference or Case Number

- a. Bill No. G-95-07-07 - Vacation Petition #583  
A portion of Allen Avenue and a portion of an east/west alley running adjacent and east of Allen Avenue.

Bob Haller, attorney for the petitioner, appeared before the Commission. Mr. Haller stated Bruce Wilds, the petitioner, owns the property on both sides of Allen Avenue that they are asking to vacate. He stated that they alley an unimproved right-of-way. He stated that Mr. Wilds owns all of the property on both sides of the alley to be vacated.

Don Schmidt questioned if the alley vacation and rezoning of the adjacent property are all a package deal.

Mr. Haller stated that they consider them separate issues. Mr. Haller stated that the petitioner is willing to grant easements as required by any of the utilities needing them. He stated that they are also willing to dedicated an easement for pedestrian traffic over the vacated areas. He stated that they will be relocating the drain, which was referenced by Mr. Highlen. He stated that they would work the details out with the appropriate city department for the drainage ditch. Mr. Haller stated that they have proposed a cul-de-sac. He stated that it is drawn to specifications and the cul-de-sac is contained entirely on Mr. Wilds property, and would afford a turn around for people who use Allen Avenue as an exit onto Clinton Street. Mr. Haller stated that they can build the proposed office buildings without vacating any of this right-of-way, but Allen Avenue is a very sharp turn off of Clinton Street. He stated that they propose to have the new exit, if Allen Avenue is vacated, at a 90 degree angle to the street. (This is shown on the drawing submitted to the Commission.) He stated that he understands that this is a complicated situation and he would request that the Commission be approved, with condition that time be given to the petitioner to work out the conditions with the staff.

Pat Fahey questioned if the drain were a statutory easement and if it ran over the entire property.

Mr. Nightingale stated that this ditch drains into the storm sewer out on Clinton Street. He stated that it is only a drain on paper, there is no water coming down the old drain.

Pat Fahey asked if it was their intent to go to the drainage board and ask for a waiver to build over the property.

Mr. Nightingale stated that he had already been to the drainage board.

Linda Buskirk stated that she thought that he had stated that the petitioner would relocate the drainage ditch, but it was not what the engineer stated.

Mr. Nightingale stated that what water comes down that ditch currently, does not come from the old drainage area, it comes from adjacent property and some streets in the area. He stated that they will put it underground.

Mark Hoeppner, President of Bindery Inc., a business located at the corner of Clinton and Cumberland Avenue stated that he opposed the vacation of Allen Avenue, because he felt it would be a detriment to the flow of traffic for his business as well as Mr. Highlen's business. He stated that it is very difficult for the merchants on the east side of Clinton Street & Coldwater Rd for clientele to gain access to the property. He stated that Allen Avenue is currently a through

street and it does help people to gain access to their businesses.

Ernest Evans asked Mr. Hoepfner to describe how people accessed his business by using Allen Avenue.

Mr. Hoepfner stated that if they are travelling south on Clinton Street they can turn left onto Allen Avenue and come down Cumberland to his property. He stated that if they are coming south bound on Coldwater Road, they can make a left hand turn, and come around the loop and make a right hand turn onto Allen Avenue and come back in around Mr. Highlen's business and into his.

Darwin Highlen stated that there were several issues that he would like to address with regard to requested vacation. Approximately 40% of the traffic that frequents his business uses Allen Avenue for ingress and egress. He stated that he felt it would be a detriment to his business as well as other small businesses in the area for the street to be closed. He stated that they on occasion have semi-trailers come to the back of his store, so that they can unload products. He stated that they have a very difficult time trying to get around Cumberland Avenue and so they use the Allen Avenue as ingress so that they can unload. He stated that it would be an impossibility for a semi to ingress or egress at the light, which is right in front of his store on Clinton Street. He stated that there was mention of a turn-around being installed if the alley was to be vacated. He stated that he believed that the turn-around would be right before his parking lot. They would be using his lot to turn-around. He stated that he owned property on both side of the street. He stated that the drainage ditch is still in use. He stated that when it rains they get a tremendous amount of water.

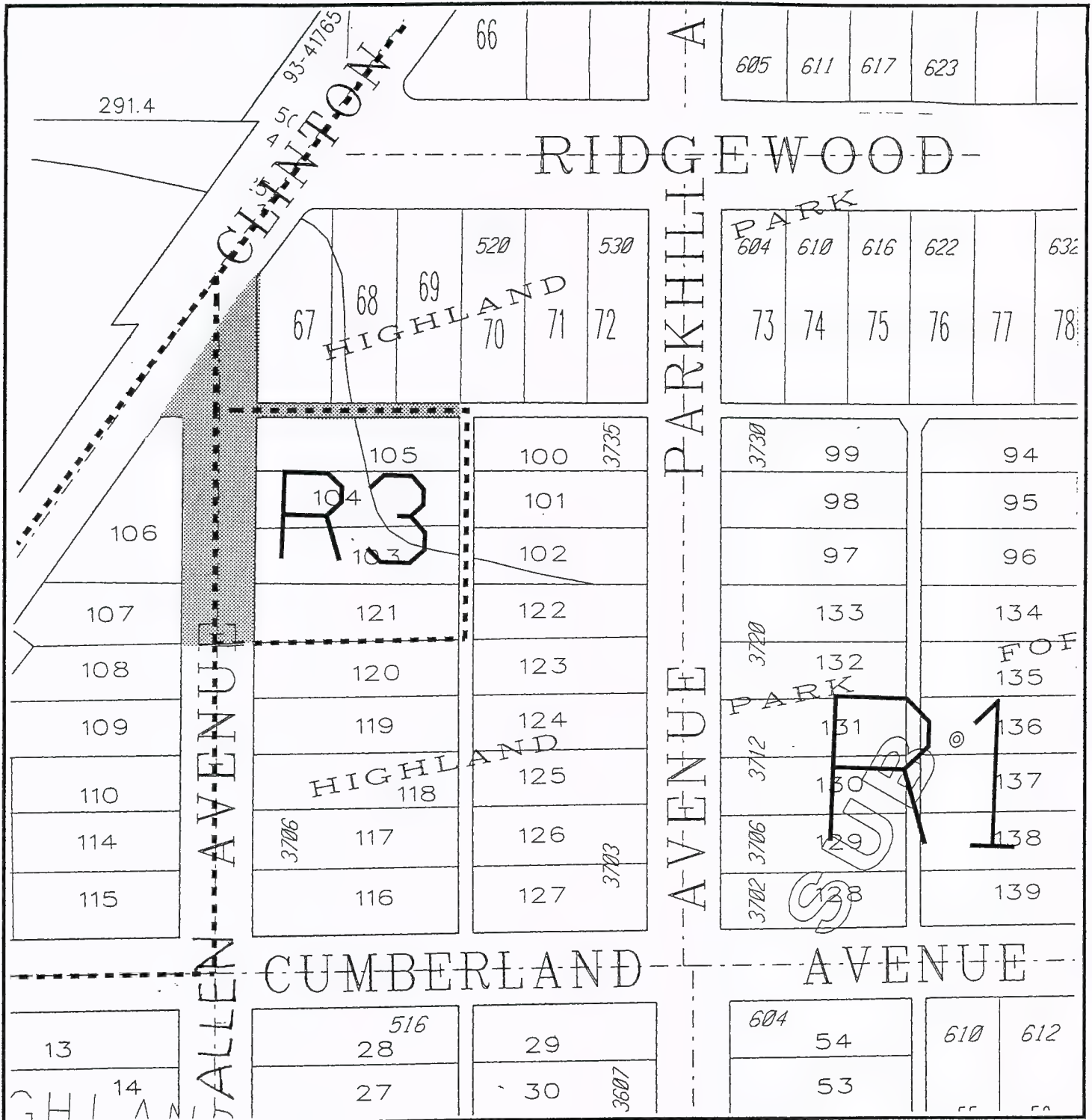
There was no one else present who spoke in favor of or in opposition to the proposed vacation.



# VACATION PETITION

AREA MAP

CASE NO. #583



COUNCILMANIC DISTRICT NO. 3

Map No. N- 26  
LW 5-22-95

<b>R1</b>	One-Family	<b>B1</b>	Limited Business	<b>M1</b>	Light Industrial
<b>R2</b>	Two-Family	<b>B2</b>	Planned Shopping Center	<b>M2</b>	General Industrial
<b>R3</b>	Multi-Family	<b>B3</b>	General Business	<b>M3</b>	Heavy Industrial
<b>RA/RB</b>	Residential	<b>B4</b>	Roadside Business	<b>MHP</b>	Mobile Home Park
<b>PUD</b>	Planned Unit Dev.	<b>POD</b>	Professional Office District		

**Bruce W. Wilds requests the vacation of two public right-of-ways.**

Location: The W portion of the 1st alley S of Ridgewood, E of Allen Avenue, and the N portion of Allen Avenue from Clinton Street south to the projected property line of lot 121 in Highland Park Addition.

Legal: See File

Land Area: Approximately 0.3 acres

Zoning: The surrounding area has multiple zonings.

Surroundings:

North	R-1/M-1	Residential
South	R-3/R-1	Open/Residential
East	R-1	Residential
West	M-1/B-3-B	Commercial

Reason for Request: Potential development of an office complex.

Neighborhood Assoc.: Highland Park Forest Community Association

Neighborhood Plan: No Comment.

Comprehensive Plan: The general land use policies of the Comprehensive Plan states that development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed.

This property is located within the Middle Ring. The goal of the Middle Ring is to maintain investments and prevent deterioration in existing neighborhoods.

**Planning Staff Discussion:**

The desirability of lots in this area for residential development is highly unlikely due to surrounding land uses and traffic volumes. The petitioner instead wishes to rezone these lots to R-3, and include them in an office development that would provide some buffering to the easterly residentially uses, while capitalizing on the Clinton Street exposure. Such a development could help to stabilize the area by providing a buffer between more intense commercial development and traditional residential uses to the east.

The vacation request has been submitted in order to eliminate some of the potential site planning problems that exist based on the current lay out of the public right-of-ways and the petitioners potential site design.

Staff is concerned with a number of issues regarding the vacation. There currently are utilities and drainage easements located in the east west alley right-of-way. These utilities would have to be relocated or have easements granted to provide for future maintenance.

While the right-of-way is basically unimproved, it is used by residents in the area, and there might be some opposition to the vacation. Highland Park Forest Community Association has a building located on lot 100 that is used for monthly meetings. Apparently some area residents use this alley right-of-way to access the building for those meetings. Staff observed pedestrian traffic using the alley on multiple occasions that were unconnected with use of the Association's building.

The second concern is the impact of vacating a portion of Allen Avenue. Allen Avenue intersects Clinton Street extremely close to the Ridgewood / Clinton intersection. With a future potential of two or three office buildings being developed, this may become a critical intersection. Traffic Engineering did not feel that they had enough information at this time to effectively address the potential safety concerns. It should be noted that Allen Avenue and Ridgewood Drive both intersect Clinton Street within 100 feet of each other. Staff has seen both streets used by motorists to access other properties or other streets. Potential resolutions could include cul-de-sac'ing the remainder of Allen Avenue and/or closing the Clinton intersection, dependent on the site development and traffic generation.

The status of the existing utilities and the drainage easement, coupled with the potential traffic generation of the site and its impact on the existing street network needs to be carefully analyzed before engineering could recommend approval of this vacation.

Typically the criteria that staff uses to determine a recommendation on a vacation petition include the principles of orderly growth and development, impacts on property values, access concerns, and whether or not the general public interest is being served.

In this case, it appears that there are a number of unknowns. Clearly the alley right-of-way is used by at least pedestrian traffic for access. Allen Avenue is used for access. Eliminating of these right-of-ways at this time would alter existing access to other places and ways. Additionally, there could be a negative impact on property values depending on the final site development and the status of Allen Avenue. Until engineering has the opportunity to evaluate a final site plan proposal, it would be extremely difficult to ascertain whether Allen Avenue should be closed at Clinton Street, converted to a private access, or vacated between Clinton and Cumberland. If vacated as proposed at this time, the petitioner, at a minimum, should be required to construct a cul-de-sac at the end of the remaining Allen Avenue right-of-way, and be required to close Allen Avenue at Clinton Street.

Being unable to vacate the right-of-ways as petitioned may result in a less than maximum site development, but could still allow for office development. The petitioner has been working on the potential development of this site since last October, and should be in a position to resolve these



issues. Staff supports the associated rezoning, but cannot support the vacations at this time, unless the traffic flow and safety issues which have been raised by the City's Traffic Engineering Department and neighborhood access issues can be adequately addressed. Staff would note, however, that there are two separate requests; the Commission can consider them independently.

Recommendation: Do Not Pass for the following reasons:

- 1) The right-of-ways are currently used for access to other public ways and places, and by the contiguous neighborhood.
- 2) If the potential access concerns regarding the proposed development cannot be adequately addressed, the proposed vacation could hinder the orderly development of the contiguous neighborhood.

RESOLUTION 82-142-5

WHEREAS, BRUCE WILDS has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated alley situated in Fort Wayne, Allen County, to-wit:

An alley south of lots number 67, 68 and W½ of 69, and north of lot number 105 in Highland Park Forest Addition.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947; of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-3-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated alley hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated alley or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)

) SS:

COUNTY OF ALLEN )

I, LINDA BUSKIRK, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held WED, Jan. 17, 1996 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 17 DAY OF JANUARY 1996

FORT WAYNE BOARD OF PUBLIC WORKS

Linda Buskirk  
Linda Buskirk  
Chairman, Board of Public Works

C. James Owen  
C. James Owen  
Member, Board of Public Works

Terrance P. McCaffrey  
Terrance P. McCaffrey  
Member, Board of Public Works

RESOLUTION

WHEREAS, BRUCE WILDS has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated alley situated in Fort Wayne, Allen County, to-wit:

An alley south of lots number 67, 68 and W½ of 69, and north of lot number 105 in Highland Park Forest Addition.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-3-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said public hearing was held on July 17, 1995 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated alley.

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated alley in Allen County, Indiana.

STATE OF INDIANA)

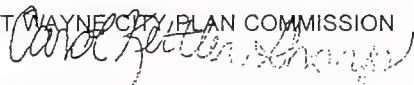
) SS:

COUNTY OF ALLEN )

I, Carol Kettler Sharp, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held, July 24, 1995 and as the same appears of record in the official records of said Plan Commission.

DATED THIS 31 DAY OF January 1996

FORT WAYNE CITY PLAN COMMISSION

  
\_\_\_\_\_  
Carol Kettler Sharp  
Secretary

REGULATORY RESOLUTION NO. 03/96/E

(Adopted 02/01/96)

WHEREAS, Section 70.30, Title 7 of the Code of the City of Fort Wayne, Indiana of 1986 authorized the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 70.30 of said Title delegates to this Board authority to:

NO PARKING

(EMERGENCY)

WHEREAS, the City Traffic Engineer has, by written memorandum dated 01/02/96, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the Office of the Board:

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:**

That pursuant to the authority delegated to this Board, Section 70.30, Title 7 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective 02/01/96, and when signs are erected pursuant hereto giving notice thereof, that the following is established:

NO PARKING

(EMERGENCY)

Thorngate Dr.

-south side-

from Tamarack Dr. to  
700' west thereof



03/96/E

TRAFFIC ENGINEERING DEPARTMENT

REPORT NO. BPS/01/96 SHEET 1 OF 1 DATE JAN 02, 1996

TO: PAYNE BROWN - BOARD OF PUBLIC SAFETY

FROM: TOM MANNY - TRAFFIC ENGINEER

SUBJECT: PARKING REGULATION


Please be advised our office has received a petition requesting No Parking 7 a.m. to 4 p.m. School Days Only on Tamarack Dr. This area is adjacent to Harris Elementary School and is required for the safe flow of two-way traffic. all of the residents involved have signed the petition.

It is hereby recommended that the Board of Public Safety authorize the following:

NO PARKING (EMERGENCY)

Thorngate Dr. - south side - from Tamarack Dr. to  
700' west thereof.

Sincerely,

  
Tom Manny  
Traffic Engineer

cc: Richard Bacon  
file  
2-2-86  
Dds

**REGULATORY RESOLUTION NO. 04/96/D**

(Adopted 02/01/96)

WHEREAS, Section 70.30, Title 7 of the Code of the City of Fort Wayne, Indiana of 1986 authorized the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 70.30 of said Title delegates to this Board authority to:

NO PARKING 7 AM TO 4 PM SCHOOL DAYS ONLY (DELEGATED)

WHEREAS, the City Traffic Engineer has, by written memorandum dated 01/10/96, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the Office of the Board:

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:**

That pursuant to the authority delegated to this Board, Section 70.30, Title 7 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective 02/01/96, and when signs are erected pursuant hereto giving notice thereof, that the following is established:

NO PARKING 7 AM TO 4 PM SCHOOL DAYS ONLY (DELEGATED)  
Rosemont Dr.                      -north side-                      from Tyler Ave. to  
Steup Ave.

04/20/96

TRAFFIC ENGINEERING DEPARTMENT

REPORT NO. BPS/02/96 SHEET 1 OF 1 DATE JAN 10, 1996

TO: PAYNE BROWN - BOARD OF PUBLIC SAFETY

FROM: TOM MANNY - TRAFFIC ENGINEER

SUBJECT: PARKING CONTROL

Please be advised our office has received a letter from Debra L. Jones, Principal of Price Elementary School, requesting removal of the "No Parking 7 a.m. to 4 p.m." signs on Rosemont Drive. The signs were originally requested in the 1960's when Price School was predominately walk-in students; however, they are now no longer required.

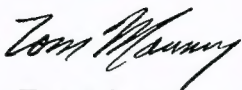
It is hereby recommended the Board of Public Safety authorize the following:

Delete:

NO PARKING 7 A.M. TO 4 P.M. SCHOOL DAYS ONLY (DELEGATE)

Rosemont Dr. -north side- from Tyler Ave.  
to Steup Ave.

Sincerely,

  
Tom Manny  
Traffic Engineer

cc: Richard Bacon  
file  
2-1-96  
Dob



**REGULATORY RESOLUTION NO. 05/96/E**

(Adopted 02/01/96)

WHEREAS, Section 70.30, Title 7 of the Code of the City of Fort Wayne, Indiana of 1986 authorized the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 70.30 of said Title delegates to this Board authority to:

**NO PARKING**

**(EMERGENCY)**

WHEREAS, the City Traffic Engineer has, by written memorandum dated 01/19/96, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the Office of the Board:

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:**

That pursuant to the authority delegated to this Board, Section 70.30, Title 7 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective 02/01/96, and when signs are erected pursuant hereto giving notice thereof, that the following is established:

**NO PARKING**

**(EMERGENCY)**

Mildred Ave.

-north side-

from Wells St. to  
450' west thereof

Mildred Ave.

-south side-

from Wells St. to  
125' west thereof



*05/20/96*

REPORT NO. BPS/03/96 SHEET 1 OF 1 DATE JAN 19, 1996

TO: PAYNE BROWN - BOARD OF PUBLIC SAFETY

FROM: TOM MANNY - TRAFFIC ENGINEER

SUBJECT: PARKING REGULATION

Please be advised our office has received a request to review Mildred Avenue adjacent to the Wood Youth Center. Gang members and juvenile delinquents are parking in this area to give hand signals and create other problems with inmates at the center.

It is hereby recommended the Board of Public Safety authorize the following:

NO PARKING (EMERGENCY)

Mildred Ave.	- north side -	from Wells St. to 450' west thereof.
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Mildred Ave.	-south side-	from Wells St. to 125' west thereof.
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Sincerely,

*Tom Manny*

Tom Manny  
Traffic Engineer

cc: Richard Bacon  
file

*2-1-96  
Dds*